

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

IN RE: ROBERT TAUER

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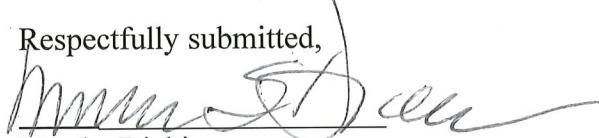
Civil Action No. 1:21-mc-00675-RP

**DAVID WHITTLESEY'S OBJECTIONS AND RESPONSES  
TO ROBERT TAUER'S SUBPOENA**

To: Robert Tauler, Tauler Smith LLP, 626 Willshire Blvd, Suite 510, Los Angeles, CA 90017.

**COMES NOW**, David Whittlesey (“Whittlesey”), and pursuant to Federal Rules of Civil Procedure 45, provides the following objections and responses (“Objections”) to Plaintiff’s Subpoena to Produce Communications, personally served upon him on August 11, 2021.

Respectfully submitted,



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**ATTORNEYS FOR GARY E. ZAUSMER, LISA PAULSON, MICHAEL MARIN, CARL PIERCE, DAVID WHITTLESEY, KEVIN COLE, AND VIKTOR OLAVSON, AS MEMBERS OF THE ADMISSIONS COMMITTEE OF THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been sent via courts electronic filing system and/or e-mail to the parties listed below, on this 23<sup>rd</sup> day of August 2021.

Robert Tauler  
Tauler Smith LLP  
626 Willshire Blvd, Suite 510  
Los Angeles, CA 90017  
[rtauler@taulersmith.com](mailto:rtauler@taulersmith.com)



Martha Dickie

## **OBJECTIONS TO SUBPOENA**

**REQUEST NO. 1:** All communications referring or relating to the present case and/or to Robert Tauler.

### **OBJECTIONS:**

Whittlesey objects on the grounds that this request is overbroad and vague, since it does not define which aspects of the “present case” it refers to and does not seek a specific category of communications regarding Robert Tauler. Whittlesey objects that the request is irrelevant to the extent the matter under review will be decided by the Court, which already has in its possession requested, requisite documents in accordance with Local Rule AT-1(d)(3). Whittlesey further objects on the grounds that this request seeks communications that are confidential and protected as privileged.

Further, this Subpoena appears to seek communications made to or from Whittlesey in his role as a member of the Admissions Committee of the Western District of Texas — Austin Division (“Admission Committee” or “Committee”). The Admissions Committee, and Whittlesey as a member thereof, objects to providing the communications requested because:

- (i) The Admissions Committee serves at the behest of the Court; its deliberations and processes and related communications and documentation are properly confidential, protected, and privileged.
- (ii) The scope of the Subpoena would require production of the Admissions Committee’s confidential, protected communications, documentation, information, and deliberative processes.
- (iii) The Committee, pursuant to Rule 45, FED. R. CIV. P., asserts that the communications sought under the Request are privileged and confidential, including under the deliberative process privilege, and are being withheld.
- (iv) The Committee’s recommendation against an applicant’s admission is subject to the Court’s review of the application, per the applicant’s request, under Local Rule AT-1(d)(3)). Mr. Tauler has requested that the Court review his application. The Local Rule specifies that the Committee’s Chair “will send the committee’s file on the applicant to the court;” but the Rule does not require that the Committee or Chair of the Committee provide a copy to the applicant. Local Rule AT-1(d)(3). Since Mr. Tauler requested review of his application by the Court, and pursuant to the Court’s directive, the Committee has forwarded to the Court all materials relied upon by the Committee in reaching its recommendation. The Committee has fulfilled its role in making a recommendation to the Court, and has no further role in this matter, making its communications, which are confidential, irrelevant for the purposes of this

proceeding.

Whittlesey has no responsive documents outside of his role as a member of the Committee, which are being withheld as confidential and privileged.